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 Attorney for Defendants

<p>UNITED STATES DISTRICT COURT DISTRICT OF OREGON</p> <p>CONCRETIZE, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>FIRESHIELD, INC. et al.,</p> <p style="text-align: center;">Defendants.</p> <hr/> <p>FIRESHIELD, INC.</p> <p style="text-align: center;">Third-Party Plaintiff</p> <p>vs.</p> <p>BYRON WHIPPLE,</p> <hr/> <p style="text-align: center;">Third-Party Defendant.</p>	<p>Civil Action No. 3:08-cv-213-BR</p> <p>VOLUNTARY DISMISSAL WITH PREJUDICE OF CLAIMS AGAINST THIRD-PARTY BYRON WHIPPLE</p>
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**VOLUNTARY DISMISSAL WITH PREJUDICE
 OF CLAIMS AGAINST THIRD-PARTY BYRON
 WHIPPLE - 1**

Defendant and Third-Party Plaintiff Fireshield, Inc. and Third-Party Defendant Byron Whipple hereby inform the court that they have settled their respective claims for relief asserted in this case. It is hereby stipulated by the parties, through their counsel, that all claims in this action may be dismissed without prejudice and that each party shall bear its costs and attorney's fees.

ORDER

Therefore, this matter having come before the Court pursuant to the agreement of the parties:

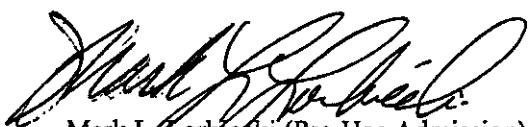
IT IS HERBY ORDERED that all claims in this action are dismissed ~~without~~ prejudice and that each party shall bear its own cost and attorneys fees. *with aff 1-25-10*

DATED this 25th day of January 2010.



United States District Judge

Stipulation Confirmed and Jointly Presented by:



Mark L. Lorbiecki (Pro Hac Admission)
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Byron Whipple

Pro se

Attorneys for Third Party Plaintiffs
Fireshield, Inc

DEFENDANT FIRESHIELD, INC.'S THIRD-PARTY COMPLAINT AGAINST BYRON WHIPPLE – 2

HYDR-6-1002 Voluntary Dismissal of BW.doc

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing VOLUNTARY DISMISSAL WITH PREJUDICE OF CLAIMS AGAINST THIRD-PARTY BYRON WHIPPLE on:

Matthew A. Levin, OSB #003054
 Stacy R. Owen, OSB #074826
 MARKOWITZ, HERBOLD, GLADE
 & MEHLHAF, P.C.
 Suite 3000 Pacwest Center
 1211 S.W. Fifth Avenue
 Portland, OR 97204

By causing a full, true, and correct copy thereof, addressed to the last-known office address of the attorney, sent by the following indicated methods or methods, on the dated set forth below:

- by mailing in a sealed, first-class postage-prepared envelope and deposited with the United States Postal Service at Portland, Oregon.
- by hand-delivery.
- by sending via overnight courier in a sealed prepaid envelope.
- by faxing to the attorney at the fax number shown above, which is the last-known fax number for the attorney's office.

XXX by Notice of electronic filing using the cm/ECF system.

DATED: This 23rd day of January, 2010.

BLACK LOWE & GRAHAM^{PLLC}

s/ Mark L. Lorbiecki

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DEFENDANT FIRESHIELD, INC.'S THIRD-PARTY COMPLAINT AGAINST BYRON WHIPPLE – 3